

CAL/EPA POLICY MEMORANDUM

SUBJECT: CAL/EPA SINGLE COMPLAINT TRACKING SYSTEM AND STEERING COMMITTEE	NUMBER: E-07-01
	DATE ISSUED: November 1, 2007
	EXPIRES: UNTIL RESCINDED
	CATEGORY: ENFORCEMENT
REFERENCES: Governor's <i>Environmental Action Plan for the Environment</i> , November 2003 Secretary of Cal/EPA Enforcement Initiative Memo of November 30, 2004; Secretary of Cal/EPA Enforcement Initiative Memo of February 27, 2006; Secretary of Cal/EPA Enforcement and Compliance Memo of May 9, 2007	

This policy establishes the Cal/EPA Single Complaint Tracking System and the Single Complaint Tracking System Steering Committee as the governing structure for how Cal/EPA Boards, Departments and Office (BDOs) will receive, track, and respond to environmental complaints reported to Cal/EPA and its BDOs.

A goal of the Governor's Environmental Action Plan, implemented through the Cal/EPA Enforcement Initiative, is to protect California's environment through tough enforcement of existing laws. The 2004 Cal/EPA self-assessment of enforcement programs concluded that development of a single complaint tracking system would enhance Cal/EPA's response to environmental complaints. The self-assessment further affirmed that citizen complaints were a critical source of information about potential non-compliance with environmental laws. Cal/EPA's BDOs exercise independent statutory and regulatory authorities in the course of their environmental protection and environmental enforcement activities.

The Secretary recognizes the enforcement authorities of the BDOs and provides this vehicle for the BDOs to coordinate the strengths of their authorities to achieve the best enforcement result for Cal/EPA, the public, and the environment as a whole.

Existing Complaint Tracking Systems

BDOs shall develop or modify existing environmental complaint procedures and systems to interface with the Cal/EPA Single Complaint Tracking System. Establishing and operating a complaint intake, assignment, triage, referral, and tracking system common to the Cal/EPA BDOs, will enhance Cal/EPA's ability to respond to environmental complaints from a coordinated regulatory approach. The coordinated approach provides higher government accountability for how complaint information is investigated or referred to another regulatory entity for investigation, and is an essential element of the Single Complaint Tracking System. Additionally, a common complaint tracking system will allow for increased regulatory transparency to the extent allowed by the standard rules of evidence and the confidentiality requirements associated with enforcement actions taken against violators.

New Single Complaint Tracking System Concepts

New concepts or enhancements associated with implementation and maintenance of the Single Complaint Tracking System, will be presented to and reviewed by the Steering Committee for consistency with existing complaint tracking system concepts and data fields. New data fields proposed for inclusion into the system will be consistent with the Title 27 Data Dictionary.

Steering Committee

The Steering Committee shall develop a final governing charter to guide the committee's activities, to establish goals and tasks, to define task implementation plans, and to define roles and responsibilities of the members of the Steering Committee and its BDO member participants.

_____/s/
Linda S. Adams
Secretary for Environmental Protection

Attachment: Cal/EPA Single Complaint Tracking System Steering Committee Charter

**CAL/EPA ENFORCEMENT INITIATIVE
SINGLE COMPLAINT TRACKING SYSTEM STEERING COMMITTEE
CHARTER**

November 1, 2007

NAME: Cal/EPA Single Complaint Tracking System Steering Committee

SPONSOR: Matt Bogoshian, Deputy Secretary for Law Enforcement and Counsel

SPONSOR'S DESIGNEE: Don A. Johnson, Assistant Secretary

MEMBERSHIP: The Assistant General Counsel for Enforcement; Assistant Secretary for CUPAs and Emergency Response; and assigned staff from each Board and Department.

MISSION: To plan and manage the continuing improvement and coordination of Cal/EPA's response to environmental complaints, in order to provide a coordinated approach to possible cross-media BDO responses as well as assure that complaints are investigated and prosecuted properly.

BACKGROUND: Governor Schwarzenegger's Action Plan for the Environment identified the need to "protect California's environment through the tough enforcement of existing laws." Following this guidance, Cal/EPA conducted an assessment of the existing BDO enforcement programs and identified areas where improvement was needed in order to enhance enforcement of existing environmental laws. The assessment determined that the current Cal/EPA response to citizen complaints does not adequately ensure that the overall environmental quality for communities is protected from violators of the environmental laws.

Citizen complaints are a critical source of information about potential non-compliance with environmental laws. And, citizens play an increasingly important role in advocating for an improved quality of life for California's natural and built environments. Currently, citizen complaints arrive through several avenues including public information lines, ombudsmen, specific Cal/EPA BDO programs, and through the Cal/EPA online environmental complaint form. Some BDOs have published telephone numbers for complaints related to specific BDO programs; others have not. The public is often confused about where to register a complaint about environmental concerns because they do not understand the programmatic differentiations that are used to organize government activities. Complaints may also involve cross-media impacts, (e.g., pesticides affecting groundwater and surface water quality, and pesticide emissions VOCs affecting air quality). Just as environmental impacts do not respect political boundaries and environmental justice communities, neither do they respect the current Cal/EPA internal organizational boundaries. The current media-specific or BDO-specific response to complaints does not always adequately ensure that the overall environmental quality for communities is protected from violators of our laws. Continuing experience confirms that a comprehensive, Cal/EPA-wide complaint intake, referral, and tracking system is beneficial to the public and is needed to provide the public with a single portal for registering environmental complaints and for effectively addressing the cross-media nature of many complaints.

GOALS:

1. Implement the Cal/EPA policy ENF-07-01 regarding the creation of a Cal/EPA Single Complaint Tracking System Steering Committee.
2. Assign enforcement personnel within each BDO to serve as central BDO complaint contacts who will receive, assign and triage environmental complaints via the Cal/EPA single complaint tracking system.
3. Within each BDO, adopt internal staff guidance and instructions on the use of the Cal/EPA online complaint system and the proper response to incoming complaints. Included in this goal is the commitment to capture and maintain follow-up investigative data in the tracking system.
4. Develop and establish a coordinated protocol for complaint response by defining BDO roles and responsibilities for multi-media and cross-BDO complaint response. The protocol should define a uniform Cal/EPA process for responding to and managing environmental complaints, regardless of the initial BDO point of complaint entry into the Cal/EPA regulatory system.
5. Develop secured EPANet access to the tracking system's complaint data so that authorized BDO enforcement staff can use this data to construct a cross-BDO compliance history, where one exists, to augment field investigations associated with environmental complaints.
6. Enhance and expand the single complaint tracking system so that it is fully integrated into all Cal/EPA state and local programs, and is fully integrated with the U.S. EPA environmental violation reporting system.
7. Identify and define appropriate enforcement metrics to measure Cal/EPA's performance in response to investigating environmental complaints.
8. Develop basic data reports, performance measures reports, and workload management reports using data captured by the single complaint tracking system.
9. Identify and implement BDO program improvements to achieve desired outcomes defined by the performance measures.
10. Identify and develop concepts for statutory and regulatory changes if required to implement Steering Committee recommendations.
11. Define how the Cal/EPA complaint tracking system spill information will interface with the Office of Emergency Services (OES) spill response function.

OBJECTIVES: It is the intent of this charter to establish a Steering Committee consisting of representatives from each of the Cal/EPA BDOs that will permanently establish the single complaint tracking system developed during phase one and phase two of the Cal/EPA Enforcement Initiative. It is also the intent of this charter to assure continued operation of a single point of access for the public to file an environmental complaint with Cal/EPA. The Steering Committee is further tasked with development, implementation, and maintenance of an enforcement protocol needed for coordinated complaint response involving multiple regulatory jurisdictions of Cal/EPA's BDOs. The protocol will define the roles and responsibilities of complaint investigation staff within each BDO, as well as how those resources will work together to investigate multimedia complaints.

GOVERNANCE:

Committee Authority:

- Make recommendations to the Secretary within the scope of this project that would change existing local, State, or federal enforcement policy or administrative standards.
- Define, identify, and communicate to the Steering Committee Sponsor or the Sponsor's Designee, additional Steering Committee authorities essential to success of the Steering Committee's ability to achieve its goals.
- Charter workgroups or sub-committees as necessary to develop specific projects or proposals for Steering Committee consideration.
- Invite other participants as appropriate.

COMMITTEE COMMITMENTS:

Sponsor's Designee:

- Meet with steering committee as necessary to provide policy direction.
- Meet with steering committee for progress updates.
- Review and approve implementation plan and subsequent deliverables.
- Communicate relevant information regularly with steering committee.
- Assist with resolving differences between Cal/EPA and BDOs on steering committee products, or when BDO resources dedicated to work on this enforcement initiative conflict with BDO priorities.
- Report progress of steering committee to the sponsor.
- Advise sponsor as necessary regarding approval of committee recommendations.

Committee Members:

- Actively participate in Steering Committee meetings and complete agreed upon tasks as appropriate.
- Review and provide constructive comments on Steering Committee proposals and draft products.
- Share program information, knowledge and expertise.
- Develop constructive and cooperative solutions to identified issues.
- Provide fair, professional, and careful consideration of all recommendations.
- Participate on subcommittees and workgroups, or provide staff to research and develop ideas for program implementation.
- Select an alternate representative when the steering committee member is not available to perform this function.
- Communicate with the sponsor and sponsor's agent through periodic meetings and briefings.

Committee Duties:

- The Steering Committee will meet at least once each quarter or as often as monthly if deemed necessary.
- The Steering Committee will regularly assess the value of the Steering Committee in meeting its mission and objectives, and modify the charter as needed.

PROJECT DURATION: Until discontinued by the Secretary.

_____/s/

Linda S. Adams
Secretary for Environmental Protection